

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

HOUSE BILL 1717

4
5 By: Representatives Bevis, Minton, Agee, Ammons, Angel, Bennett, Biggs, Bledsoe, Bond, Broadway,
6 Buchanan, Carson, Cleveland, Cook, Creekmore, Davis, Dees, Duggar, Eason, Elliott, Faris, Ferguson,
7 Files, French, Gillespie, Gipson, Glover, Green, Haak, Harris, Hathorn, Hausam, Hendren, Hickinbotham,
8 House, Hunt, Jacobs, G. Jeffress, J. Jeffress, C. Johnson, Jones, King, Lancaster, Lavery, J. Lewellen, P.
9 Malone, Milligan, Milum, Morris, Napper, Oglesby, Pappas, Parks, Prater, Rackley, Rodgers, Scrimshire,
10 Sheppard, Shoffner, Simon, M. Smith, R. Smith, T. Smith, M. Steele, Taylor, Teague, L. Thomas, T.
11 Thomas, Vess, Weaver, White, Willis, Womack

For An Act To Be Entitled

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15 "AN ACT TO AMEND ARKANSAS CODE §§ 14-16-504 and 14-54-
16 1411 TO PREEMPT LOCAL UNITS OF GOVERNMENT FROM FILING
17 LAWSUITS AGAINST FIREARM AND AMMUNITION MANUFACTURERS
18 OR GUN DEALERS FOR DAMAGES FROM THE LAWFUL MANUFACTURE
19 OR SALE OF FIREARMS AND AMMUNITION TO THE PUBLIC; AND
20 FOR OTHER PURPOSES. "

Subtitle

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23 "TO PREEMPT LOCAL UNITS OF GOVERNMENT
24 FROM FILING LAWSUITS AGAINST FIREARM AND
25 AMMUNITION MANUFACTURERS FOR DAMAGES
26 FROM THE LAWFUL SALE OF FIREARMS AND
27 AMMUNITION TO THE PUBLIC. "

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30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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32 SECTION 1. Arkansas Code § 14-16-504 is amended to read as follows:

33 "14-16-504. Regulation by local unit of government.

34 (a) As used in this section, 'local unit of government' means a city,
35 town, or county.

36 (b) (1) A local unit of government shall not enact any ordinance or

1 regulation pertaining to, or regulate in any other manner, the ownership,
 2 transfer, transportation, carrying, or possession of firearms, ammunition for
 3 firearms, or components of firearms, except as otherwise provided in state or
 4 federal law. This shall not prevent the enactment of an ordinance regulating
 5 or forbidding the unsafe discharge of a firearm.

6 (2) A local unit of government shall have no authority to bring
 7 suit and shall have no right to recover against any firearm or ammunition
 8 manufacturer, trade association, or dealer for damages, abatement, or
 9 injunctive relief resulting from or relating to the lawful design,
 10 manufacture, marketing, or sale of firearms or ammunition to the public. The
 11 authority to bring any suit and the right to recover against any firearm or
 12 ammunition manufacturer, trade association, or dealer for damages, abatement,
 13 or injunctive relief shall be reserved exclusively to the State of Arkansas.
 14 Provided, this shall not prevent a local unit of government from bringing suit
 15 against a firearm or ammunition manufacturer or dealer for breach of contract
 16 or warranty as to firearms or ammunition purchased by the local unit of
 17 government.

18 (c) Notwithstanding subsection (b) of this section, the governing body
 19 of a local unit of government may, following the proclamation by the Governor
 20 of a state of emergency, enact an emergency ordinance regulating the transfer,
 21 transportation, or carrying of firearms, or components of firearms. Such
 22 emergency ordinance shall not be effective for a period of more than twenty
 23 (20) days and shall be enacted by a two-thirds (2/3) majority of the governing
 24 body."

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 26 SECTION 2. Arkansas Code § 14-54-1411 is amended to read as follows:

27 "14-54-1411. Firearms and ammunition.

28 (a) As used in this section, 'local unit of government' means a city,
 29 town, or county.

30 (b)(1) A local unit of government shall not enact any ordinance or
 31 regulation pertaining to, or regulate in any other manner, the ownership,
 32 transfer, transportation, carrying, or possession of firearms, ammunition for
 33 firearms, or components of firearms, except as otherwise provided in state or
 34 federal law. This shall not prevent the enactment of an ordinance regulating
 35 or forbidding the unsafe discharge of a firearm.

36 (2) A local unit of government shall have no authority to bring

1 suit and shall have no right to recover against any firearm or ammunition
 2 manufacturer, trade association, or dealer for damages, abatement, or
 3 injunctive relief resulting from or relating to the lawful design,
 4 manufacture, marketing, or sale of firearms or ammunition to the public. The
 5 authority to bring any suit and the right to recover against any firearm or
 6 ammunition manufacturer, trade association, or dealer for damages, abatement,
 7 or injunctive relief shall be reserved exclusively to the State of Arkansas.
 8 Provided, this shall not prevent a local unit of government from bringing suit
 9 against a firearm or ammunition manufacturer or dealer for breach of contract
 10 or warranty as to firearms or ammunition purchased by the local unit of
 11 government.

12 (c) Notwithstanding subsection (b) of this section, the governing body
 13 of a local unit of government may, following the proclamation by the Governor
 14 of a state of emergency, enact an emergency ordinance regulating the transfer,
 15 transportation, or carrying of firearms, or components of firearms. Such
 16 emergency ordinance shall not be effective for a period of more than twenty
 17 (20) days and shall be enacted by a two-thirds (2/3) majority of the governing
 18 body. "

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 20 SECTION 3. All provisions of this act of a general and permanent nature
 21 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 22 Revision Commission shall incorporate the same in the Code.

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 24 SECTION 4. If any provision of this act or the application thereof to
 25 any person or circumstance is held invalid, such invalidity shall not affect
 26 other provisions or applications of the act which can be given effect without
 27 the invalid provision or application, and to this end the provisions of this
 28 act are declared to be severable.

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 30 SECTION 5. All laws and parts of laws in conflict with this act are
 31 hereby repealed.

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